

Sushil-led Government-71: Promulgating An Unacceptable Constitution Siddhi B Ranjitkar

Prachanda achieved the republican setup after the 10-year-long people's war and then another almost ten years of constitution crafting. He promised the Nepalese of different ethnic and Madhesh to fight for their cause. Chitra Bahadur KC was very happy with the new constitution that had the federalism in the name only. Kamal Thapa was happy, too because his sacred cow was in the constitution. Sushil Koirala and his partner KP Oli had been certainly very happy because they had successfully denied the fundamental rights once again to the historically underprivileged people. People's struggle for their rights would continue no matter what sorts of challenges they would need to face. Nepalese leaders rejected the Indian Prime Minister Narendra Modi's advice to douse the fires burning elsewhere in Nepal.

Chairman of UCPN-Maoist Prachanda had been very emotional while addressing the CA in the process of the constitution crafting on Sunday, September 13, 2015. He said quoting Karl Marx that his party had sowed the seed for growing the thing as large as the dragon's teeth but it harvested only the thing as small as a fly. Why it had been so he did not elaborate but he promised that his party and he would be with the people fighting for their fundamental rights.

However, Prachanda had been successful to institutionalize the republican setup that was certainly not a fly but a dragon itself the Nepalese people had achieved so far. The republican setup however had enough space for the people to fight for their basic rights that the new rulers had denied them even in the new constitution. That was why even this new constitution became unacceptable to some people that had been forced to endure the denial of their basic rights to be equal partners in the state of their own for over 240 years.

Prachanda was in a hurry to promulgate a new constitution fearing to lose whatever the achievements the people's war and movements had made in the past. That was what Prachanda and his colleague Baburam Bhattarai said. It might be a real or imaginary fear. What the people had to lose if the people had lost their rights to make decisions on their destiny; what they had to lose anything more if they had no provinces of their own for which they had fought and spilled their blood and sacrificed their lives and some of them even lost their lives at their prime ages. Prachanda as a great statesman and a strategist too should understand it. He would be a great statesman only when his statement could convince the people. He would be a great strategist only if the constitution he hurriedly crafted could flourish in the future.

Chitra Bahadur KC became the happiest man when one article after another of the new constitution was passed by the voice votes in the CA. As a staunch fighter against federalism he became the happiest man on earth because the federalism had been only in the name. What were these federal provinces Mr. KC had been so happy of? The governors of the federal provinces would not be elected but appointed by the president. They were almost similar to the zonal commissioners of the Panchayat era. They did not represent the people of the provinces but the president that might be elected by one majority political party or another in the parliament. Consequently, those governors would surely be the politicians or even the cadres of that very party that elected the president no doubt about that. Was that the federalism the Nepalese had wanted? It was certainly not. Nepalese wanted the real federalism of which the federal provinces would have elected governors that would be accountable to the provincial people not to the political party of the president.

Sushil Koirala and his coalition partner KP Oli would have been the brightest stars in the history of Nepal if they were to accept the people's rights to self-determination of their

destiny. However, these mindless guys or even if they had minds not so large simply followed the path of the man (Chitra Bahadur KC) that had been almost insanely vocal against the federalism. Sushil Koirala might get the highest public office whereas KP Oli was sure to be the next prime minister within two weeks at maximum. Naturally, they were in a hurry to promulgate a new constitution disregarding the people's concern for their fundamental rights. What Mr. KC would receive from not making Nepal really the state of federal provinces but making the mockery of even the meaning of the federalism? I did not know but he must have some vested interest that he never disclosed publicly.

Anyway Sushil Koirala, KP Oli and other Maoist leaders such as Prachanda, Baburam Bhattarai and Narayankaji Shrestha would be remembered as the black holes in the history of Nepal. They missed the chance of being the shining stars that would be brightly shining forever in the sky of Nepal, as they had shamelessly deprived the common folks of their rights to make the decisions on their destiny. Currently, they had been shooting and killing the peaceful demonstrators that had been demanding to ensure their fundamental rights in the new constitution. The blood of the people would give birth to the future political stars of the Federal Democratic Republic Of Nepal. The ever-lasting political stars of Nepal are to be born, yet.

The main argument of the most vocal Maoist leaders such as Prachanda and Baburam Bhattarai had been that they wanted to preserve even a small achievement of the largest possible achievement the people's war and the people's movements had made. What was that small achievement they wanted to save, and what they were going to lose if they did not save it they did not elaborate. In the name of saving a few things in the new constitution they had sold everything the people had achieved so far to the regressive forces except certainly for the republican setup. They did not understand that the people that could topple the mighty Ranas and then the Shahs could do so to any other despotic rulers.

Would the people lose the republican setup? People would not certainly lose it. Who could dare to put the hands of a clock back to the last century? The Maoists themselves did it so to some extent joining the club of the NC and CPN-UML ruling elites but they always pretended to fight against it. The Maoist leaders needed to understand that Nepalese would continue to fight for their fundamental rights until they became fully unlike the current semi-sovereignty they had received. Nobody could deny the people their rights to self-determination in the 21st century.

Leaders of other political parties had already successfully set up the elite ruling club. They wanted to continue this club. That was why they had been always against the federalism and federal provinces even if they had set up the federal provinces that had been only in the names only. With the new constitution, the Maoist leaders had joined the club of the elite ruling class. The sugarcoated words of Prachanda spoken in the CA apparently emotionally to fight for the people's rights were nothing but the veiled reactionary words to keep the people's respect for his party. Thinking people surely understood it.

The political leaders including the Maoists resorted to trickery. They declared Nepal a secular state with the explanation of the religion for restricting the freedom of practicing any religion of the people's choice. Secularists might be satisfied at least they have the secularism in the new constitution. Secularism would depend on how the freedom of practicing religion would be interpreted. On the other hand the political leaders heavily tilted to the Hinduism making the cow a national animal of the country. So, Kamal Thapa of the RPP-Nepal was happy with that. At least his cow had secured a right place in the constitution of Nepal. His persistent efforts had resulted into it. No doubt a cow was a sacred even the goddess of wealth for Hindus. But non-Hindus raised the cows for their food.

One thing we needed to appreciate was one of the Hindu fundamentalists had publicly said that the Hindus would opt for the most democratic means of making Nepal a Hindu state. They would earn two-thirds majority in the parliament and then amend the constitution. That was the beauty of the democracy. These guys deserved appreciation for their democratic stand. Other ethnic and Madheshi people would be better off to follow suit rather than the street protests putting the people at the risk of getting hit by the police bullets and causing the tremendous troubles to the common folks. They needed to make the people aware of the need for having the two-thirds majority to amend the constitution. That would be another real revolution than the forceful people's movement currently going on elsewhere in Nepal. Getting two-thirds majority was not so easy but it was not so difficult too if shrewd politicians could convince all the political parties in a parliament.

The constitution-crafting agency practically comprising only the top leaders of the three major political parties such as NC, CPN-UML and UCPN-Maoist could have provided the ethnic people with certain voices making the national assembly the body of the representatives of the ethnic groups including Madheshi and other Nepalese people. To this end, a national assembly of 246 members electing two representatives from each one of the 123 ethnic groups according to the statistics Nepal has instead of the 59-member national assembly comprising directly elected eight representatives from each province making 56 of the seven provinces, and the three appointed by the president on the recommendation of the prime minister. (Here ethnic means people of any identification in Nepal.) From where they had copied such a assembly, I did not know. Such a national assembly did not make any sense at all if it were not have the representation of all the Nepalese of the different ethnic groups and different identification.

Promulgating a constitution not acceptable to the ethnic and Madheshi people, Sushil Koirala, KP Oli and Prachanda had surely bullied the sovereign people they claimed they had made with the new constitution. They did not feel it shame to say that they had made the people sovereign really bullying the Nepalese people rather than honoring them as the sovereign people giving them the fundamental rights. They said that they had more than 90% support for the new constitution at the CA but they did not say that they bullied the ethnic and Madheshi members of the CA belonging to their political parties to vote for the new constitution. Except for the tiny group of the Kamal Thapa's RPP-Nepal, everybody voted for the new constitution at the CA. That was true if we were to ignore the entire ethnic and Madheshi people protesting against the new constitution, and also to ignore those Madheshi CA members belonging to various political parties forced to vote for the new constitution. I just wanted to remind those top guys that the Panchayati prime minister used to say only a handful of the people were against it when the people rose up against the Panchayat system in 1990. The handful of the people became the entire population and the panchayat had to die.

NC, CPN-UML and UCPN-Maoist had declared to illuminate every house with lamps to welcome the new constitution. Nepalese wanted to welcome the new constitution as a new bride that would need to face some challenges in a new home. People would light lamps at every house on September 20, 2015 but some people had already burned down some copies of the new constitution. It was almost like burning a bride that did not bring sufficient dowry. Nepalese might need to pay a heavy price for meeting the insufficient dowry to the unsatisfied parents-in-law.

The Madheshi front UDMF declared that it would mark the day of the promulgation of a new constitution on September 20, 2015 as a black and it would hold a mute procession with black flags at every district, and it would switch off the light for one hour in the evening as the mark of the protest against the new constitution, Hridayesh Tripathi told the reporter of

the Khabardabali.com, the news posted on this website stated on September 17, 2015. Mr. Tripathi also said that the new constitution was even a step behind the Interim Constitution of 2007. He was absolutely right.

Chairman of UCPN-Maoist Prachanda said that the dream of the Nepalese have come true by passing the new constitution at the CA on Wednesday, September 16, 2015; it was the victory of the people, and it was the victory of the self-esteemed Nepalese people, the news on khabardabli.com stated on September 17, 2015. Nepalese have been fighting for such a constitution for 70 years; sacrifices of the thousands of martyrs and the forcibly disappeared people resulted into the current constitution crafted by the CA, said Prachanda. He also sent good wishes to and congratulated to the Nepalese living in the country and outside the country on promulgating a new constitution. He invited the people opposing the new constitution to a dialogue, and to reach the understanding with the majority parties for improving the new constitution.

The CPN-UML declared that it would hold a tea party at the Dashrath Stadium in Kathmandu to mark the promulgation of the constitution of 2015. Prime Minister Sushil Koirala also would hold a tea party. NC, CPN-UML and UCPN-Maoist would jointly hold a grand rally at the army pavilion in Kathmandu on September 21, 2015 to celebrate the promulgation of the new constitution. Some news items stated that the people elsewhere in Nepal had started off celebrating the promulgation of a new constitution on September 20, 2015.

One of the Madheshi leaders said that anybody illuminating his or her house on the occasion of promulgating a new constitution would be strongly dealt with. Such an intimidating statement would certainly adversely affect the cause of the people's rights they had been fighting for. They needed to see who were actually for and against the new constitution rather than forcing them to be against it. Again working for the two-thirds majority for amending the new constitution for correcting some issues rather than fighting on the streets would be the most democratic way of doing the political business, and the world would be behind such deeds.

Members of the CA signed off the new constitution on Friday, September 18, 2015. Kamal Thapa of the RPP-Nepal that had voted against the constitution did sign off the constitution. On Wednesday September 16, 2015, 507 CA members voted for the constitution and 25 of the RPP-Nepal voted against it. Starting at 9:00 am, out of 598 CA members, 537 completed signing off the new constitution in presence of the chairman and deputy chairwoman of the CA at the Lhotse Hall by 3:00 pm on Friday, September 18, 2015. The protesting 61 CA members did not show up for signing off the new constitution. Chairman of CA Subash Nemwang had extended the time for signing off the new constitution until Sunday anticipating the dissident CA members would come up and sign off the new constitution, and then finally he certified it. Chairman of MPRF-D Bijya Gacchedar regretted that he could not put his signature on the new constitution even though he had been instrumental to craft it.

On Sunday, September 20, 2015, President Dr Ram Baran Yadav would declare it effective on the very day at the CA in presence of the heads of the foreign diplomatic missions in Kathmandu. The CA would be dissolved and the parliament would remain until the elections for a new parliament were held following the new constitution.

Altogether five copies of the new constitution have the signatures of the CA members and of the CA chairman. One copy would stay at the office of president, second at the office of prime minister and council of minister, third copy at the ministry of law, justice and parliamentary affairs, and two copies at the parliamentary secretariat.

Within a few weeks of the constitution becoming effective, the parliament would elect a new president and vice president, a new prime minister, and a new speaker. Thus, Nepal would have a new set of elected officials that would take the offices of president and vice president, of prime minister, and speaker. After seven years President Dr Ram Baran Yadav would be leaving the official residence of the president.

This new constitution has to be the all-Nepalese people's constitution, yet. The three major political parties such as NC, CPN-UML and UCPN-Maoist were not the entire Nepalese people. The ethnic people, the Madheshis, the Sherpas, the Tharus, the Nevahs, and the Limbuwans, and so on were not for accepting the new constitution until their concerns were addressed in the new constitution.

India and US first welcomed the constitution then UK, Germany and Russia followed suit. On September 17, 2015, Spokesperson for the Chinese Foreign Ministry Hong Lei said that China noted with pleasure the endorsement of the new constitution by the Constituent Assembly. "Chinese side supports and respects the social system and development path determined by Nepali side," a Chinese Embassy statement quoted spokesperson Hong Lei as saying, "China hopes that Nepal will have a new path of political stability and economic development." The news on ekantipur.com stated on September 17, 2015. The European Union (EU) and Japan also welcomed the new constitution of Nepal and congratulated the Nepalese for promulgating it.

The special envoy Foreign Secretary Subrahmanyam Jaishankar of the Indian prime minister came to Nepal on Friday, September 18, 2015, and had had the meetings with President Dr Ram Baran Yadav, Prime Minister Sushil Koirala, leader of CPN-UML KP Oli, and leader of UCPN-Maoist Prachanda. He also held a luncheon meeting at the Indian embassy in Kathmandu with the Madheshi leaders that had been protesting against the new constitution. Apparently, both the parties had not been willing to resolve the political dissent before the promulgation of the new constitution. The opposition wanted to continue the protests while the establishment to promulgate the new constitution.

Prime Minister Modi had been concerted with the political unrest particularly along the Nepal-India border areas. So, he sent his foreign secretary to Nepal surely for putting off the political fires flaring up elsewhere in Nepal but the top three Nepalese political leaders in one voice had clearly said to the Indian envoy that they would correctly deal with the ongoing political unrest provoked by the non-inclusive constitution. Obviously, Indian Prime Minister Narendra Modi had been for dousing the political fires burning elsewhere in Nepal. Not only India but also other western countries also wanted the Nepalese leaders to settle the ongoing political protests amicably.

Clearly, Prime Minister Modi had not been very happy with the exclusive constitution crafted by the three major political parties with more than 90% votes in the CA. Modi had been for making the constitution as inclusive as possible. He had clearly stated in the address to the Nepalese parliament during his first visit to Nepal in 2014 that the Nepalese constitution should be as inclusive as possible. He repeated it in his second visit for the SAARC Summit held in Kathmandu, Nepal.

The ongoing Madheshi movement in the terai had been the concern for the Indian establishment; it was along the border between Nepal and India. Prime Minister Modi must be concerned with the possible spillover effect of the ongoing people's protests along the border areas. So, he sent his envoy to Nepal to bring both the establishment and the opposing party together to have dialogue and settle the burning issues before promulgating the new constitution. However, both the parties disappointed the envoy and in turn Prime Minister Modi, too.

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